



Date of Council Meeting: March 9, 2015

**TOWN OF LEESBURG
TOWN COUNCIL INFORMATION ITEM**

Subject: TLOA-2014-0005, Office/Light Industrial Zoning Ordinance Amendment

Staff Contact: Irish Grandfield, AICP, Senior Planner, DPZ

Council Action Requested: None at this time. A public hearing for this item is scheduled for March 24, 2015.

Staff Recommendation: None at this time. Informational item only.

Planning Commission Recommendation: On January 15, 2015 the Planning Commission held a public hearing on TLOA-2014-0005, a proposed Zoning Ordinance amendment for office and light industrial uses. Two members of the public spoke at the public hearing expressing support for the proposal. In addition, the Economic Development Commission (EDC) submitted a resolution of support for the amendments. Following the public hearing, the Planning Commission continued discussion of the ordinance amendments at a work session on February 19. No major changes were recommended to the draft ordinance amendment and following their discussions on February 19, the Planning Commission passed a motion 6-0-1 recommending approval to Town Council.

Fiscal Impact: It is anticipated that the zoning amendments will expand opportunities for business growth in Leesburg, leading to increased tax revenue through higher property values and new Business and Professional Occupational License (BPOL) income.

Executive Summary: Due to the changing nature of advanced manufacturing and today's business office environment, the Town Council initiated amendments to the Zoning Ordinance to revise definitions and regulations to incorporate contemporary business practices. The proposed amendments comprehensively updates the Town's zoning terms and standards for office and technology land uses, providing flexibility and opportunity to attract and retain the types of high-tech businesses that provide desirable jobs for Town citizens while increasing tax revenue.

Background: On August 12, 2014, Town Council passed resolution 2014-092 initiating amendments to the Zoning Ordinance to update definitions and regulations for light industrial and office uses. The Planning Commission has completed its review of the draft amendments and forwarded to Council with a recommendation of approval. A Town Council Public Hearing on the topic is scheduled for March 24, 2015.

Objectives of the ordinance amendments include the following:

- Implement Town Plan objectives to facilitate job growth, promote development of emerging technologies and industries, and facilitate increased non-residential revenue contributions to the Town's general fund.
- Update zoning land use categories to better reflect today's business practices providing for reasonable use of additive manufacturing ("3-D printing"), bio-manufacturing, and nanotechnology.
- Replace misleading Zoning Ordinance terminology for emerging technology companies that typically consist of a mix of office, research and development, and production space completely internal to a building without traditional "industrial" external impacts such as truck traffic, odors, or noise.
- Adopt performance standards to allow office, research and development, and production uses by-right (in some instances), subject to mitigating potential negative impacts on nearby land uses.

A key strategy with the amendments is mitigating any associated potential adverse impacts on neighboring properties. Four new sets of performance standards have been developed for "Office", "Flex Industry", "Outdoor Storage", and "Warehouse & Distribution" land uses, with a fifth set of performance standards significantly enhanced for "Research & Development" and/or "Production". Through the use of performance standards, technology-focused land uses will now be permitted by-right when they meet all use standards, or through special exception when they do not.

Highlights of the amendments include:

- Land use categories updated and refined eliminating undefined and unpermitted uses.
- Establishment of the "Production" land use classification for businesses that have an advanced manufacturing component as an essential part of their business.
- Removal of a prohibition of accessory uses for offices (allowing some 3-D manufacturing for example).
- Additional flexibility and opportunities provided (see Figures 1 and 2 showing how R&D and Production opportunities have expanded).
- Performance standards established.

Attachments: (1) Proposed ordinance language

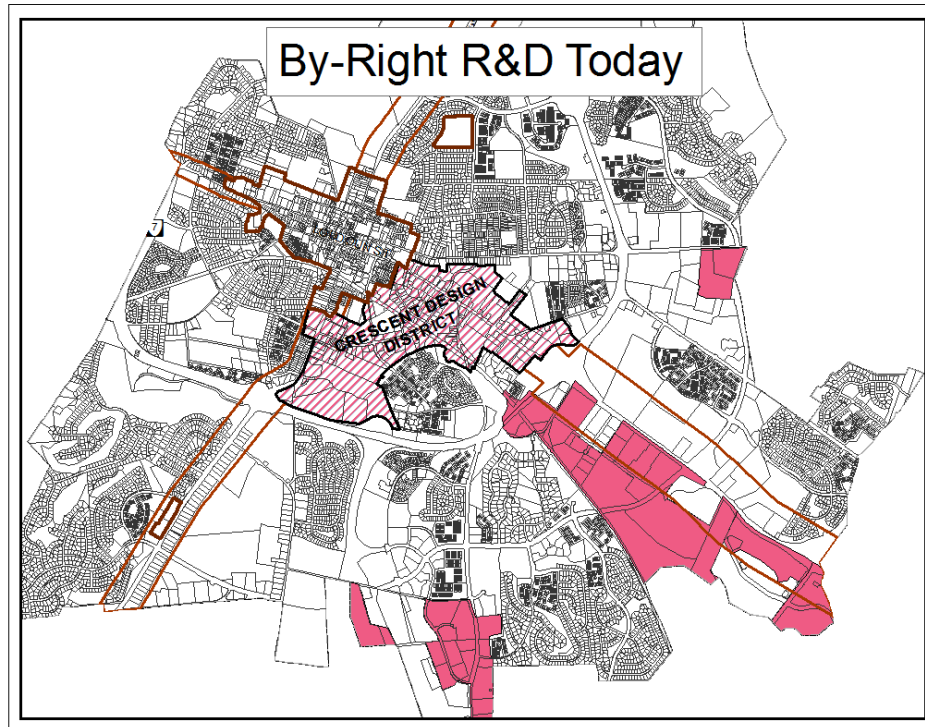


Figure 1. By-Right R&D Allowable Today

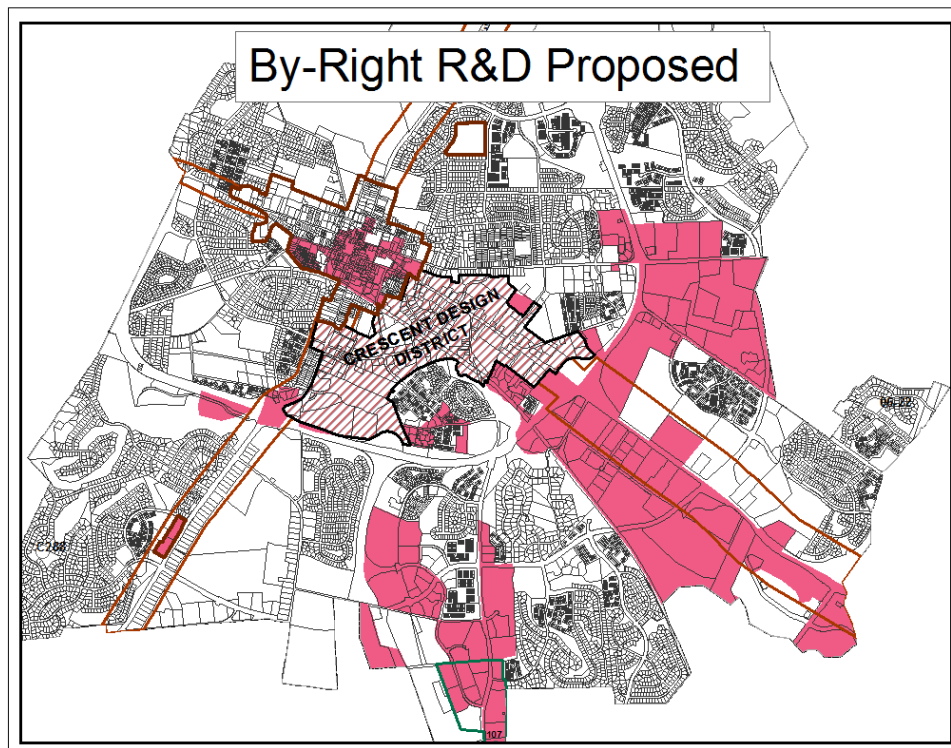


Figure 2. By-Right R&D Allowable as Proposed

Attachment 1. Proposed Ordinance Language

6.3 B-1 Community (Downtown) Business

| Research & Development, Production, and Warehousing Uses | | | |
|---|------------|--------------------|----------------------|
| Research & Development | P/S | Sec. 9.3.22 | Sec. 18.1.157 |
| Production | P/S | Sec. 9.3.22 | 18.1.150.1 |

6.4 B-2 Established Corridor Commercial District

| Commercial Uses | | | |
|---|------------|--------------------|-------------------|
| Outdoor Storage | P/S | | Sec. 18.1.127 |
| Research & Development, Production, Industrial, Manufacturing and Warehousing Uses | | | |
| Mini-warehouse facility | S | Sec. 9.3.14 | Sec. 18.1.105 |
| Research & Development | P/S | Sec. 9.3.22 | Sec. 18.1.157 |
| Production | P/S | Sec. 9.3.22 | 18.1.150.1 |

6.5 B-3 Community Retail/Commercial District

| Commercial Uses | | | |
|---|------------|--------------------|-------------------|
| Outdoor Storage | P/S | | Sec. 18.1.127 |
| Research & Development, Production, Industrial, Manufacturing and Warehousing Uses | | | |
| Mini-warehouse facility | S | Sec. 9.3.14 | Sec. 18.1.105 |
| Research & Development | P/S | Sec. 9.3.22 | Sec. 18.1.157 |
| Production | P/S | Sec. 9.3.22 | 18.1.150.1 |

6.6 B-4 Mixed-Use Business District

| Commercial Uses | | | |
|---|------------|----------------------|------------------------|
| Outdoor Storage | S | | Sec. 18.1.127 |
| Research & Development, Production, Industrial, Manufacturing and Warehousing Uses | | | |
| Manufacturing and assembly | P | | Sec. 18.1.104 |
| Industrial, Flex | P | Sec. 9.3.11.2 | Sec. 18.1.84 |
| Mini-warehouse facility | S | Sec. 9.3.14 | Sec. 18.1.105 |
| Production | P/S | Sec. 9.3.22 | 18.1.150.1 |
| Research & Development | P/S | Sec. 9.3.22 | Sec. 18.1.157 |
| Warehouse/ Distribution | S | Sec. 9.3.32 | Sec. 18.1.199, 18.1.43 |

6.6.4 Additional Standards

- a. **Mix of Uses.** The following use mix standards are established in order to promote the intended mixed-use character of the B-4 District.

| Use Type | Min. Gross Floor Area (pct. of development) | Max. Gross Floor Area (pct. of development) |
|---|--|--|
| Office | 50 | 70 |
| Research & Development, Production, and Warehouse/Distribution Warehouse | | |
| Commercial[1] | 0 | 15 or 15 acres whichever is less |
| Residential | 0 | 1 dwelling unit per 5,000 square feet of nonresidential (gross) floor area |
| Institutional, Community Service and Utilities | 0 | 0 |

6.7 I-1 Industrial/Research Park District

| Commercial Uses | | | |
|---|----------|----------------------|-------------------------------|
| Outdoor Storage | P/S | | Sec. 18.1.127 |
| Research & Development, Production, Industrial, Manufacturing and Warehousing Uses | | | |
| Distribution Facility | S | | Sec. 18.1.143 |
| Manufacturing and assembly | P | | Sec. 18.1.104 |
| Industrial, Flex | P | Sec. 9.3.11.2 | Sec. 18.1.84 |
| Mini-warehouse facility | S | Sec. 9.3.14 | Sec. 18.1.105 |
| Production | P | Sec. 9.3.22 | 18.1.150.1 |
| Research & Development | P | Sec. 9.3.22 | Sec. 18.1.157 |
| Warehouse/ Distribution | S | Sec. 9.3.32 | Sec. 18.1.199, 18.1.43 |

7.10.9.D.1 Crescent Design – Commercial Use Regulations

| Commercial Uses | | | |
|--|------------|--------------------|-------------------|
| Outdoor Storage | S | | Sec. 18.1.127 |
| Industrial/Manufacturing Research & Development, Production, and Warehousing Uses | | | |
| Research & Development | P/S | Sec. 9.3.22 | Sec. 18.1.157 |
| Production | P/S | Sec. 9.3.22 | 18.1.150.1 |

7.10.9.E.1 Crescent Design – Mixed Use Optional Use Regulations

| Industrial/Manufacturing Research & Development, Production, and Warehousing Uses | | | |
|--|------------|--------------------|-------------------|
| Manufacturing and assembly | S | | Sec. 18.1.104 |
| Warehouse, accessory | P | | Sec. 18.1.199 |
| Production | P/S | Sec. 9.3.22 | 18.1.150.1 |
| Research & Development | P/S | Sec. 9.3.22 | Sec. 18.1.157 |

7.10.9.H.1 Crescent Design – Commercial Corridor Use Regulations

| Commercial Uses | | | |
|---|-----|-------------|---------------|
| Outdoor Storage | S | | Sec. 18.1.127 |
| Industrial/Manufacturing Research & Development, Production, and Warehousing Uses | | | |
| Production | P/S | Sec. 9.3.22 | 18.1.150.1 |
| Research & Development | P/S | Sec. 9.3.22 | Sec. 18.1.157 |

8.6.2 PEC Permitted Uses

| Industrial Uses Research & Development, Production, and Warehousing Uses | | | |
|---|-----|---------------|---------------|
| Light intensity industrial so long as use is rendered unobjectionable because noise, heavy truck traffic, odor, fumes and other potential nuisances are effectively mitigated by performance standards set out in the ordinance establishing the use. | | | |
| Industrial, Flex | S | Sec. 9.3.11.2 | Sec. 18.1.84 |
| Production | P/S | Sec. 9.3.22 | 18.1.150.1 |
| Research & Development | P/S | Sec. 9.3.22 | Sec. 18.1.157 |

9.1.1 Establishment of Use Categories

A. Use Categories, Generally. In order to implement the purpose and intent and provisions of this Zoning Ordinance, the following general use categories are hereby established:

1. Agricultural Uses
2. Residential Uses Institutional and Community Service Uses
3. Commercial Uses
4. Industrial, Manufacturing Research & Development, Production, and Warehousing Uses
5. Utility Uses

9.2 Use Table

| Commercial Uses | | | | | | | | | | | | | | | | |
|---|----|----|----|----|----|-----|----|-----|-----|----|-----|-----|-----|-----|-----|---------------|
| Use Type | RE | R1 | R2 | R4 | R6 | RHD | R8 | R16 | R22 | O1 | B1 | B2 | B3 | B4 | I1 | Use Std. |
| Outdoor Storage | | | | | | | | | | | | P/S | P/S | P/S | P/S | |
| Industrial/Manufacturing Research & Development, Production, and Warehousing Uses | | | | | | | | | | | | | | | | |
| Use Type | RE | R1 | R2 | R4 | R6 | RHD | R8 | R16 | R22 | O1 | B1 | B2 | B3 | B4 | I1 | Use Std. |
| Basic Industry | | | | | | | | | | | | | | | | |
| Distribution Facility | | | | | | | | | | | | | | | S | |
| Extraction of Earth Products | | | | | | | | | | | | | | | | |
| Industrial, Flex | | | | | | | | | | | | | | P | P | Sec. 9.3.11.2 |
| Manufacturing and assembly | | | | | | | | | | | | | | P | P | |
| Mini-warehouse facility | | | | | | | | | | | | S | S | S | S | Sec. 9.3.14 |
| Production | | | | | | | | | | | P/S | P/S | P/S | P | P | Sec. 9.3.22 |
| Research & Development | | | | | | | | | | | P/S | P/S | P/S | P | P | Sec. 9.3.22 |
| Warehouse/Distribution | | | | | | | | | | | | | | S | S | Sec. 9.3.32 |

9.3.11.2 Industrial, Flex

- A. The use, storage, and disposal of hazardous materials must meet all federal, state, and local codes.**
- B. Flex Industrial uses must have access to a road classified as a minor arterial or higher Town Plan transportation functional classification without having to travel through a residentially zoned district.**
- C. Accessory outdoor storage not to exceed ten percent (10%) of the building area of the primary use or 10,000 square feet (whichever is lesser of the two) is permitted by-right subject to the use standards of Sec. 9.3.17.1. Outdoor storage greater than ten percent (10%) of the building area of the primary use or 10,000 square feet is permissible with special exception approval per Sec. 3.4.**

9.3.14 Mini-warehouse Facilities

- A. Storage units shall be provided for long-term storage only, and all storage shall be within completely enclosed buildings.**
- B. Loading docks shall not be permitted.**
- C. Except for the purposes of loading and unloading, there shall be no incidental parking or storage of trucks and/or moving vans.**
- D. No office, retail or wholesale use of the storage units shall be permitted.**
- E. One accessory residential unit may be permitted solely for the use of a caretaker or watchman. (See Sec. 9.4.2)**
- F. The outdoor storage area, loading or parking shall be limited to areas designated on an approved site plan, and adequately screened from adjacent properties and roadways. Such areas shall not be used for the storage or display of inoperable vehicles as defined in Section 32-147 of the Town Code.**

9.3.17.1 Office

- A. Incidental and subordinate accessory research & development and production uses not to exceed 35% of the gross floor area are permitted by-right subject to meeting the performance standards of Sec. 9.3.22.**
- B. Office uses must be wholly enclosed within a building except as otherwise approved for outdoor storage allowable by zoning district regulations.**
- C. Allowable accessory uses shall not create air pollution, fire or explosion hazard, radiation hazard, electromagnetic radiation or interference, noise, vibration, smoke, dust, odor, heat, or glare beyond what is typically associated with an office use.**
- D. Allowable accessory uses are permitted to the extent that they do not substantially change the visible front or side elevations of the office building in a manner that is inconsistent with typical appearance of an office building.**

- E. Home Occupation offices are excluded from these use standards and may not have accessory uses as listed in Sec. 9.3.17.01.A. Additionally, Home Occupation offices must meet the requirements of Sec. 9.4.3.**

9.3.17.2 Outdoor Storage

- A. Outdoor storage shall be limited to the rear or side of a building adjacent to other commercially zoned property.**
- B. All outdoor storage shall be required to be fully screened by a fence, wall, landscaped berm, or other suitable method as deemed appropriate by the Zoning Administrator.**
- C. All outdoor storage shall be required to be located on a paved surface.**
- D. Outdoor storage areas must be located in such a manner as to not impede safe vehicle and pedestrian circulation by blocking travel aisles or pedestrian areas.**
- E. Outdoor storage areas cannot exceed eight (8) feet in height.**
- F. Outdoor storage areas may not be located in required parking as established by Sec. 11.3.**

9.3.22 Research & Development and/or Production

- A. By Right. Research & Development and/or Production uses are permitted by right in accordance with the use standards provided below.**
- 1. Research, Development uses shall have business, service, storage and display of goods, equipment or materials. All operations, activities and storage shall be conducted within a completely enclosed building, except research requiring solar exposure and uses which by their nature may must be conducted outside a building; or as otherwise approved for outdoor storage allowable by zoning district regulations.**
 - 2. The use, storage, manufacturing or and disposal of hazardous materials is prohibited must meet all federal, state, and local codes.**
 - 3. The Town Council shall consider the type and nature of any proposed assembly, integration and testing of products and shall determine that the use is compatible with the surrounding area. No vibration, odor, smoke, radiation, particulate matter or other adverse impacts that create significant negative impacts to adjacent land uses shall be detectable at the property boundary.**
 - 4. Accessory outdoor storage in the B-2, B-3, B-4 and I-1 Zoning Districts no greater than 250 square feet is permitted by-right subject to the use standards of Sec. 9.3.17.1. Outdoor storage shall not be allowed in the B-1 Zoning District. Outdoor storage greater than 250 square feet in the B-2, B-3, B-4 and I-1 Zoning Districts is permissible with special exception approval per Sec. 3.4.**

5. Additional standards where Research & Development, and/or Production uses are located within 250 feet of residentially zoned property:

- a. No outdoor activity, including loading, unloading, maintenance, truck idling, or related activity shall occur between the hours of 7:00pm and 7:00am.**
- b. Fences, walls, and/or berms shall be used in combination with vegetative screening to interrupt the view of adjacent residential districts. Use of a decorative, opaque fence or wall with a minimum height of six (6) feet, or berms with a minimum height of four (4) feet with hedges, and/or shrubs within the buffer yard can reduce some of the required screening as determined by the Land Development Official. The design of fences or walls shall avoid long stretches to the point of visual monotony and shall be varied by using changes in height, different material combinations, offset angles, or other types of articulation. An architectural elevation detail of the screening treatment type shall be submitted for review when a fence or wall is utilized and shall demonstrate that attractive visual continuity has been achieved.**

B. Special Exception. Research & Development and/or Production uses shall require special exception approval if the proposed use does not comply with all applicable standards for by-right use as set forth Sec. 9.3.22.A.

9.3.32 Warehouse/Distribution

- a. Warehouse and Distribution uses must have access to a road classified as a minor arterial or higher Town Plan transportation functional classification without having to travel through a residentially zoned district.**
- b. Fences, walls, and/or berms shall be used in combination with vegetative screening to interrupt the view of adjacent residentially zoned districts and public roads. Use of a decorative, opaque fence or wall with a minimum height of six (6) feet, or berms with a minimum height of four (4) feet with hedges, and/or shrubs within the buffer yard can reduce some of the required screening as determined by the Land Development Official. The design of fences or walls shall avoid long stretches to the point of visual monotony and shall be varied by using changes in height, different material combinations, offset angles, or other types of articulation. An architectural elevation detail of the screening treatment type shall be submitted for review when a fence or wall is utilized and shall demonstrate that attractive visual continuity has been achieved.**

11.3 Number of Parking Spaces Required

| Industrial, Trade and Warehouse Uses | |
|--|--|
| Assembly or Manufacturing Operation | 1.0 per 1,000 square feet gross floor area, or 1.0 per employee, whichever is more. |
| Building Contractors and Similar Trades and Services | 1.0 per 500 square feet gross floor area, plus 1.0 per company vehicle. |
| Heavy Equipment Sales | 1.0 per 500 square feet enclosed sales area, plus 2.0 per service bay, plus 1.0 per employee, plus 1.0 per 2,500 square feet of open sales area. |
| Mini-Warehouse Facility | 4.0 per 1,000 square feet gross floor area of office space, plus 1.0 per employee, plus 2.0 for resident manager quarters. |
| Printing or Publishing, Major | 1.0 per 1,000 square feet gross floor area, or 1.0 per employee, whichever is more. |
| Research & Development or Production Facility | 1.0 per 1,000 square feet gross floor area, or 1.0 per employee, whichever is more. |
| Warehousing Facility or Freight Terminal | 1.0 per 1,000 square feet gross floor area, or 1.0 per employee, whichever is more. |

11.9 Number of Off Street Loading Spaces Required

| Industrial, Trade and Warehouse Use | |
|--|--|
| Assembly and General Manufacturing Operations | One semi-trailer loading space for the first 10,000 square feet of gross floor area, plus one additional space for each additional 25,000 square feet. |
| Building Contractors and Similar Trades and Services | One standard loading space for the first 10,000 square feet of gross floor area, plus one additional space for each additional 10,000 square feet. |
| Heavy Equipment Sales | One semi-trailer loading space. |
| Mini-Warehouse Facilities | One standard loading space for the first 10,000 square feet of gross floor area, plus one additional space for each additional 10,000 square feet. |
| Research & Development or Production Facilities | One semi-trailer loading space for the first 10,000 square feet of gross floor area, plus one additional space for each additional 25,000 square feet. |
| Warehouse Facilities, Freight Terminals and Similar Uses | One semi-trailer loading space for the first 10,000 square feet of gross floor area, plus one additional space for each additional 25,000 square feet. |

18.1.15 Basic Industry — An establishment engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes utilizing flammable or explosive materials, or storage or manufacturing processes which potentially involve hazardous or commonly recognized offensive conditions.

18.1.43 Distribution Facility - An establishment engaged in the receipt of goods, products, cargo and materials, individually or in bulk, the short-term holding or storage of such goods or merchandise, and/or the breaking up into lots or parcels and subsequent shipment off-site of

such goods and merchandise. Distribution may be provided to an entity with an identity of interest with the distribution facility or to businesses and individuals unrelated to the distributor. The term "Distribution Facility" shall also include a transshipment facility for the temporary holding, storage and shipment of goods or vehicles.

18.1.84 Industrial, Flex - Any structure occupied by **use or establishment consisting of** at least two (2) of the following uses: contractors offices and shops; establishments for production, processing, assembly, manufacturing, compounding, preparation, cleaning, servicing, testing, or repair of materials, goods or products; warehousing establishments; wholesale trade establishments; and offices; provided however that non-office use shall utilize at least 65% of the total gross floor area of the site.

18.1.104 Manufacturing and Assembly *Reserved*

~~The processing, fabrication, assembly, distribution of products such as, but not limited to: scientific and precision instruments, photographic equipment, communication equipment, computation equipment, household appliances, toys, sporting and athletic goods, glass products made of purchase glass, electric lighting and wiring equipment, industrial controls, radio and TV receiving sets, optical goods, and electrical machinery.~~

18.1.105 Mini-warehouse Facility

A structure or structures containing separate storage spaces of varying sizes leased or rented on an individual basis.

18.1.106 Mixed Use

A variety of complementary and integrated uses, including but not limited to residential, office, **research & development, production** manufacturing, retail, public, entertainment, conference and lodging uses arranged in a compact urban form.

18.1.121 Office

A **use consisting of a** building, room or group of rooms used for conducting the **executive, management, or administrative** affairs of a business, **organization, institution, or government entity and/or for the provision of** professional services or government. For the purpose of this Zoning Ordinance, an office **use may include accessory research & development or production uses subject to meeting the performance standards specified in Sec. 9.3.17.01 of this Ordinance.** ~~shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing or repair of materials, goods or products.~~

18.1.127 Outdoor Storage

An unroofed area, or a roofed structure enclosed on not more than three sides, for the keeping of any goods, materials, or merchandise in the same place for more than twenty-four (24) hours. ~~All outdoor storage shall be required to be enclosed by a fence, wall, landscaped berm, or other suitable and appropriate method.~~ This definition shall not apply to the Display of Merchandise as described in Sec 9.4.6.

18.1.142 Planned Development

An area of land to be developed as a single entity according to a plan, containing residential, commercial, industrial, **research & development, production** and/or public areas, under the provisions of this Zoning Ordinance.

18.1.150.1 Production

The manufacturing, compounding, processing, packaging, storage, assembly, and/or treatment of finished or semifinished products from previously prepared materials; and accessory offices associated with such uses. Examples of such activities include, but are not limited to: the assembly of the furniture, toys, prosthetics, pharmaceuticals, electronic components, and computer software.

18.1.157 Research & Development

Basic and applied **scientific** investigations in the natural, physical, or social sciences **directed** toward the discovery, invention, design, or establishment of new products and services **and accessory offices associated with such uses.**

18.1.199 Warehouse - A structure used for the storage of goods and materials which may also include ancillary wholesale sales not to exceed 25% of the site.